

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

United States of America : Case No. 2:23-cv-02813-MHW-CMW
Plaintiff, : Judge Michael H. Watson
vs. : Magistrate Judge Chelsey M. Vascura
Joseph E. Lucas, *et al.* :
Defendants. :

**DEFENDANT JACOB BUSH'S ANSWER TO THE AMENDED COMPLAINT OF
THE UNITED STATES OF AMERICA
WITH JURY DEMAND**

Now comes the Defendant Jacob Bush, by and through counsel, and hereby provides his answer to the Amended Complaint of The United States of America.

In responding to these allegations, Defendant specifically notes that the Plaintiff's Amended Complaint does not specifically identify the address of the "Subject Property" that Plaintiff alleges is owned by Defendant Jacob Bush.

1. Defendant denies the allegations contained in the following paragraphs of Plaintiff's Amended Complaint for lack of knowledge: 1, 2, 3, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, and 33.
2. Defendant denies the allegations contained in the following paragraphs of Plaintiff's Amended Complaint: 4, 13, and 22.
3. Defendant admits the allegations contained in the following paragraphs of Plaintiff's Amended Complaint: 5, 6, and 7.
4. Defendant denies any other allegations set forth in Plaintiff's Amended Complaint that has not otherwise already been denied.

FIRST DEFENSE

5. The Plaintiff's Complaint fails to state a claim against Defendant Jacob Bush upon which relief may be granted.

SECOND DEFENSE

6. For lack of an agency relationship, Defendant Jacob Bush is not vicariously liable for Defendant Joseph Earl Lucas' conduct.

THIRD DEFENSE

7. Defendant Jacob Bush is not vicariously liable for Defendant Joseph Earl Lucas' conduct, as such alleged conduct was committed outside the scope of any employment and /or agency relationship.

FOURTH DEFENSE

8. Defendant Jacob Bush asserts the affirmative defense of the statute of limitations as it may be applicable to the facts of this case.

FIFTH DEFENSE

9. Defendant Jacob Bush asserts the affirmative defense of fraud as it may be applicable to the facts of the case.

SIXTH DEFENSE

10. Defendant Jacob Bush asserts the affirmative defense of illegality as it may be applicable to the facts of the case.

SEVENTH DEFENSE

11. Defendant Jacob Bush asserts the affirmative defense of unclean hands as it may be applicable to the facts of the case.

EIGHTH DEFENSE

12. Any damages or injuries sustained were not proximately caused by the conduct of Defendant Jacob Bush.

NINTH DEFENSE

13. Defendant Jacob Bush asserts the affirmative defenses provided pursuant to the Statute of Frauds, as they may be applicable to the facts of the case.

TENTH DEFENSE

14. Defendant Jacob Bush asserts the affirmative defense of lack of consideration as it may be applicable to the facts of the case.

ELEVENTH DEFENSE

15. Defendant Jacob Bush asserts the affirmative defense of lack of privity as it may be applicable to the facts of the case.

TWELFTH DEFENSE

16. Defendant Jacob Bush asserts the affirmative defenses of accord and satisfaction, equitable estoppel, set-off, and res judicata, as they may be applicable to the facts of the case.

THIRTEENTH DEFENSE

17. Defendant Jacob Bush asserts the defenses created by the language, releases, and waivers contained in the applicable lease agreement, and / or statutory defenses associated with the same.

FOURTEENTH DEFENSE

18. Defendant Jacob Bush asserts the defense of lack of reckless and/or malicious state of mind, as it may be applicable to the facts of the case.

FIFTEENTH DEFENSE

19. Defendant Jacob Bush asserts the defense of failure to exhaust administrative remedies, as it may be applicable to the facts of the case.

SIXTEENTH DEFENSE

20. Defendant Jacob Bush asserts the defense of failure to mitigate damages as it may be applicable to the facts of the case.

SEVENTEENTH DEFENSE

21. On account of the vague and ambiguous nature of the allegations of the Plaintiff, Defendant Jacob Bush reserves the right to plead and other defenses that may hereafter be discovered during the course of discovery.

WHEREFORE, Defendant Jacob Bush respectfully requests that this Court dismiss the claims against Defendant Jacob Bush as set forth in Plaintiff's Amended Complaint at Plaintiff's cost, and that Defendant Jacob Bush recover his costs incurred herein, reasonable attorneys' fees, and for such other relief as the Court deems just and appropriate.

Respectfully submitted,

/s/ Sky Pettey and Robert R. Rittenhouse
Sky Pettey - 0072041
Trial Attorney for Defendant Jacob Bush
Robert R. Rittenhouse - 0079276
Attorneys for Defendant Jacob Bush

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JURY DEMAND

Defendant Jacob Bush demands a jury be empaneled, of the maximum number of jurors permitted by law, on all issues presented in this case for which a jury is permitted.

Respectfully submitted,

/s/ Sky Pettey and Robert R. Rittenhouse
Sky Pettey - 0072041
Trial Attorney for Defendant Jacob Bush
Robert R. Rittenhouse - 0079276
Attorneys for Defendant Jacob Bush

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 4th day of April, 2024, service of the above Answer was made through the Court's ECF system on counsel for all parties who are registered on the ECF system. Parties may further access a copy of this filing through the same.

Respectfully submitted,

/s/ Sky Pettey and Robert R. Rittenhouse
Sky Pettey - 0072041
Trial Attorney for Defendant Jacob Bush
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